



VIA EMAIL AND U.S. MAIL

January 30, 2014

Sarah Lu  
Department of Justice  
Environment & Natural Resources Division  
Law and Policy Section  
P.O. Box 7415  
Ben Franklin Station  
Washington, D.C. 20044-7415  
Sarah.Lu@usdoj.gov

Re: *Northern California River Watch, et al. v. Oakland Maritime Support Services, et al.*  
(Case No. 4:10-cv-3912-CW-JSC)

Dear Ms. Lu,

This letter provides additional information that your office requested in connection with the settlement agreement in this matter. The settlement agreement was submitted to your office in December by counsel for the plaintiffs.

As you know from reviewing the settlement agreement, it provides funding to the West Oakland Job Resource Center ("WOJRC"). WOJRC will use (along with other funding) to develop within our local labor force the capacity to address a range of storm water management issues associated with the redevelopment of the Oakland Army Base (the area where the alleged unlawful discharges to San Francisco Bay occurred). The Base, the area around it, and the adjacent Port of Oakland face particularly severe storm water management challenges on account of the heavy industries operating there, the Base's inadequate existing storm water infrastructure, and the close proximity of the Base to San Francisco Bay. Facing those existing challenges, and the potential for significant sea level rise, Oakland has an urgent need for a local workforce with the skills required to rehabilitate, upgrade and then operate storm water management systems in this area. The settlement provides funding toward that end.

With regard to the organizations involved, WOJRC is a newly created, standalone program within the City. The City is a chartered municipal corporation, governed by an elected city council and serving approximately 400,000 residents.<sup>1</sup> As a standalone program within the City,

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<sup>1</sup>The City of Oakland did not own or operate the property at the time the violations alleged by the Plaintiffs occurred. Based on this fact, the Plaintiffs voluntarily dismissed the City from the litigation. The City agreed, via stipulation submitted last fall, to be added back as a defendant solely to facilitate implementation of the settlement agreement.



WOJRC is administered on a day-to-day basis by an independent fiscal agent (presently the Urban Strategies Council). Although not formally structured as Internal Revenue Code Section 501(c)(3) entities, Oakland and WOJRC are not-for-profit enterprises. Urban Strategies is a Section 501(c)(3) entity. WOJRC is not authorized to conduct, and will not be conducting, any political lobbying activities; and Urban Strategies does not fund any political lobbying prohibited by Section 501(c)(3) of the Internal Revenue Code.

As provided in the settlement agreement, the funding provided to WOJRC will be used to develop within the local labor force pre-apprenticeship training for, and placement and retention in, positions focused on storm water infrastructure construction; storm water management system design, construction, and maintenance; and associated storm water focused climate change site preparation and response management for the Army Base, the Port of Oakland, and the industrial facilities in the areas adjacent and/or near to the Army Base and Port. The WOJRC already has a discrete project code within the City's accounting systems, and we will further modify the Project code for the settlement funds to (1) ensure that they are used as required under the settlement agreement and (2) easily accounted for and tracked to those purposes when the City's auditors conduct their annual audit of the City's financial records. The City will provide notice to Plaintiffs (and the federal agencies) confirming the transfer and account code designations corresponding to the settlement funds contributed to WOJRC. WOJRC will also periodically report to the City and the Army Base Community Jobs Policy Oversight Commission on its progress. The Commission is an 11-member body that provides monitoring and oversight for the implementation of Oakland's job policies with particular emphasis on those policies as they relate to redevelopment of the Army Base. WOJRC's report to the Commission concerning the use of the settlement funds will also be provided to your agency and EPA (we will need a point of contact for EPA unless DOJ will be forwarding the report).

I trust this provides the additional information your office needs to complete the federal agencies review of the settlement. If you need further information or have any questions please feel to call me at (510) 238-3752 or [aauletta@oaklandnet.com](mailto:aauletta@oaklandnet.com).

Sincerely

A handwritten signature in black ink, appearing to read 'Al Auletta'.

Al Auletta  
Program Manager  
City of Oakland Department of Economic and Workforce Development

Cc: Heather Lee, City Attorney's office  
Robert Doty